

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN BOUTTE,

Plaintiff,

v.

BYRON J. BAHR, et al.,

Defendants.

No. C 07-5276 PJH

**ORDER TO SHOW  
CAUSE**

On October 17, 2007, plaintiff filed the original complaint in this action, entitled "Petition and Complaint In the Nature of A Suit For Deprivation of Federally Protected Rights 42 USC 1983." More than four months later, however, plaintiff has yet to file proof of service with the court demonstrating the requisite service of the complaint and summons upon defendants. Pursuant to the federal rules of civil procedure, plaintiff was required to complete service of the summons and complaint no later than February 14, 2008, or else risk dismissal of his action. See Fed. R. Civ. Proc. 4(l, m)(service of summons and complaint must be made "within 120 days after the filing of the complaint").

Having thus far failed to demonstrate proper service of the summons and complaint upon defendants, the court hereby orders plaintiff to show cause, via letter brief to this court within **ten days** of the date of this order, why his complaint should not be dismissed for failure to effect service of process. Plaintiff is further advised that if he fails to respond to this court's order, his complaint will be dismissed with no further hearing or briefing. A case management conference will not be scheduled until the defendants have been

served.

**IT IS SO ORDERED.**

Dated: February 28, 2008



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PHYLLIS J. HAMILTON  
United States District Judge